

right direction to reduce the social, economic and human costs associated with diabetes.

Congress has the ability to enhance Federal programs and increase funding to combat this debilitating illness. I was pleased to see the bipartisan dedication to doubling the funding of the National Institutes of Health, NIH, over a 5-year period, which was completed in 2003. This initiative alone has helped to expand current research, which therefore improves the path toward finding treatment and cures of all diseases, including that of diabetes. As a member of the Senate Appropriations Committee, I was pleased to work with my colleagues on both sides of the aisle to request \$1.6 billion for the National Institute of Diabetes and Kidney Diseases for fiscal year 2004. In addition to NIH, we must continue to fight to secure increased funding for the Centers for Disease Control and Prevention, CDC. The CDC provides invaluable research on chronic diseases such as diabetes, and helps fund important state program such as the South Dakota Diabetes Prevention and Control Program, DPCP.

I encourage both Congress and the President to continue to build on existing efforts to address diabetes through increased funding for NIH, for the Institute of Diabetes and Kidney Diseases, and for the CDC in the upcoming year. I believe that we can achieve this goal in bipartisan fashion and provide greater assistance to the many Americans in all parts of our Nation that live with this chronic illness.●

#### OMNIBUS APPROPRIATIONS

● Mr. FEINGOLD. Mr. President, I opposed the omnibus appropriations bill that the Senate voted on yesterday. It is the latest example of the annual breakdown in the congressional appropriations process. Once again, instead of considering appropriations bills individually, the Senate voted on a massive spending bill that includes many—in this case, seven—of the annual appropriations bills.

This process just invites the kind of problems—unauthorized spending, special interest provisions and legislative riders that go against the will of a majority in Congress—that we see in this omnibus bill. Take, for example, the Bush administration's proposed sweeping changes to regulations governing overtime pay for white-collar workers. These proposed changes would weaken overtime protections for these workers by changing the way that eligibility for overtime is determined. Both the House and the Senate are on record in favor of a provision that would block these changes from going into effect. Nonetheless, that provision was dropped in conference after the administration exerted tremendous pressure on those negotiating the final bill.

Similarly, language that would have prevented the Federal Communications Commission from moving forward with

its plan to loosen the national cap on television ownership was badly weakened. And, of course, there are numerous bad provisions in the bill, including one that would create a voucher program in Washington, DC, public schools and another that would prevent country of origin labeling on many agricultural products.

I wish I could have supported this bill as there are a few worthy things in it, such as funding for global AIDS programs and for the rural AED Act, a program I created with Senator SUSAN COLLINS to increase access to defibrillators in rural areas. I am pleased that the bill contains language I fought for that would required Federal agencies to report on their purchases of foreign-made goods. As manufacturing jobs continue to disappear across the country, particularly in my home State of Wisconsin, the Federal Government should be doing everything it can to support American manufacturers. I am also pleased that the bill includes a provision I fought for to prohibit the Department of Veterans Affairs from enforcing its policy of prohibiting VA employees from taking proactive steps to let veterans know about the health care benefits for which they may be eligible.

Those provisions do not outweigh the many bad ones in this bill, however. Mr. President, this is simply no way to fund the Federal Government. I regret that this "must-pass" bill is being used as a platform for bad funding decisions and for bad policy decisions, many of which override the will of a bipartisan majority of Congress. We need to go back to taking up and passing appropriations bills one by one, rather than throwing everything but the kitchen sink into a single, bloated piece of legislation.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself, Mr. DAYTON, Mr. COLEMAN, Mr. CONRAD, and Mr. ENZI):

S. Res. 289. A resolution expressing the sense of the Senate with respect to free trade

negotiations that could adversely impact the sugar industry of the United States; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 290. A resolution to authorize testimony, document production and legal representation in State of Idaho v. Joseph Daniel Hooper; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 1394

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1394, a bill to establish a demonstration project under the medicaid program to encourage the provision of community-based services to individuals with disabilities.

S. 1693

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1693, a bill to amend section 35 of the Internal Revenue Code of 1986 to allow individuals receiving unemployment compensation to be eligible for a refundable, advanceable credit for health insurance costs.

S. 2008

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2008, a bill to amend the Animal Health Protection Act to direct the Secretary of Agriculture to establish an electronic nationwide livestock identification system, and for other purposes.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 289—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO FREE TRADE NEGOTIATIONS THAT COULD ADVERSELY IMPACT THE SUGAR INDUSTRY OF THE UNITED STATES

Mr. DORGAN (for himself, Mr. DAYTON, Mr. COLEMAN, Mr. CONRAD, and Mr. ENZI) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 289

Whereas the President has concluded negotiations with El Salvador, Guatemala, Honduras, and Nicaragua to form a Central American Free Trade Agreement (referred to in this resolution as "CAFTA"), and is seeking to incorporate Costa Rica and the Dominican Republic into that agreement;

Whereas CAFTA seeks to provide those countries with increased access to the United States sugar market;

Whereas, simultaneously, the Administration has embarked on a multitude of free trade agreements with major sugar producing nations such as Australia, members

of the South Africa Customs Union, Thailand, nations of the Western Hemisphere, and others, and has made it clear that access to the United States sugar market is on the negotiating table;

Whereas, the United States sugar market is already oversupplied, with declining consumption forcing domestic sugar producers to store extremely high quantities of sugar;

Whereas significant increases in sugar imports under CAFTA and other trade agreements currently under negotiation could render inoperable basic elements of the United States sugar program enacted under the Farm Security and Rural Investment Act of 2002 (Public Law 107-171);

Whereas effects on the United States sugar program would wreak havoc in the United States sugar industry, and result in the loss of thousands of jobs and farms involved in sugar production in 19 States across the country; and

Whereas any constructive effort to address distortion in the world sugar market should be handled multilaterally through the World Trade Organization, in a manner that addresses comprehensively and simultaneously the sugar subsidy programs of all major world producers, and should not be handled through bilateral or regional agreements: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the President should renegotiate provisions of CAFTA relating to access to the United States sugar market, so as to grant no greater access to the United States sugar market than is currently enjoyed by the signatories to the agreement; and

(2) the President should not include sugar as an element of negotiations in any bilateral or regional free trade agreement.

Mr. DORGAN. Mr. President, I am going to, at the conclusion of my remarks, offer a resolution on behalf of myself, Senators DAYTON, COLEMAN, and CONRAD. This resolution deals with the issue of trade negotiations that have been conducted with the Central American Free Trade Agreement countries. It also relates to my concern about the trade negotiations that are underway today, this morning, in Washington, DC, with Australia to try to create a free trade agreement with Australia.

I will explain the resolution. After the whereases, it says:

It is resolved that the sense of the Senate is that the President should renegotiate provisions of the Central American Free Trade Agreement relating to access to the United States sugar markets so as to grant no greater access to the U.S. sugar market than is currently enjoyed by the signatories to this CAFTA agreement; 2, the President should not include sugar as an element of negotiations in any bilateral or regional free trade agreement.

I want to explain why we feel this way. I will also observe that this is bipartisan in its offering. It is very important to our region of the country. First, let me explain sugar. Sugar comes from sugar beets and sugarcane produced by our growers. With sugar beets, it is in the Red River Valley between North Dakota and Minnesota. We have the opportunity to plant beets and process the resulting crop into sugar, and in this country we have a robust sugar industry with many growers living out on the land and pro-

ducing a crop and contributing to our economy.

Most of the sugar internationally around the world is traded between countries on a contract basis—country-to-country contracts. That is the way most sugar is traded. But there is surplus sugar outside of those contracts that represents dumped sugar; it is surplus dumped sugar, priced at a nickel a pound, or 5, 6, 7 cents a pound, and then thrown all over the world wherever it may rest, and it devastates local markets.

Let me describe with this chart what we have in this country. Our U.S. consumption of sugar is about 7.8 million metric tons, and we import a little over a million metric tons. We are now engaged in trade agreements with countries that produce a massive quantity of sugar, much of it for export. This is the potential exports from countries with whom we are engaged now in negotiations for free trade agreements. You can see the CAFTA countries—Central American Free Trade Agreement countries—which are Honduras, Guatemala, Costa Rica which has not yet signed on, El Salvador, and so on. This is Australia, Thailand, the Free Trade Agreement of the Americas, which includes Brazil. You can see this is a giant amount of sugar.

The proposition is this. Our trade negotiator has put sugar on the table in grade negotiations on these bilateral agreements. The result of it is death by a thousand cuts to our domestic sugar producers. If we end where I think we will end with the Central American Free Trade Agreement, the Free Trade Agreement of the Americas, and others, we will end up as a country without a domestic sugar industry.

The sugar beet growers who live on the land and produce sugar beets will not be there in the future because they cannot compete and should not be expected to compete against dumped sugar. Yet that is where we are heading.

This ought not be a part of the trade agreements the trade ambassador is now negotiating. The larger question with respect to sugar trade ought to be dealt with in the World Trade Organization, not individual trade agreements, with the Central American Free Trade Agreement—the free trade agreement with the Americas. That is the position we take, Senator CONRAD, Senator DAYTON, Senator COLEMAN, myself, and others here in the Senate.

Let me tell you what has happened. In the Central American Free Trade Agreement, the U.S. Ambassador put sugar on the table and negotiated an agreement that was going to allow incremental sugar to come into our country. Will that quantity of sugar by itself destroy our industry? No, it will not. But the precedent will. That is because that precedent means sugar will be in the Australia agreement and the FTAA agreement and the quantity of sugar that is going to come into this

country at dumped prices will inevitably destroy our sugar industry. That is why we must stop it.

Let me tell you what happened yesterday. Yesterday, in Inside U.S. Trade—that is the publication—and also in North Dakota newspapers was a story: “U.S. Withholds Sugar Offer in Australia Trade FTA Negotiations.”

U.S. Trade Representative Robert Zoellick has said the U.S. position is not to provide Australia with any increased market access for sugar, said a U.S. trade official.

Good for them. That is exactly the right position and one I support, one I aspire to achieve, to stop having sugar as part of these negotiations.

Let me read to you today's news.

A U.S. trade official is being quoted as saying Bush administration trade negotiators have asked Australian negotiators to settle for a free trade agreement which does not open the U.S. market to any more Australian sugar.

But the official denied U.S. trade representative Robert Zoellick had told a North Dakota radio station that sugar had been taken off the table.

So they are saying a representative of the trade ambassador is quoted as saying sugar will not be in the Australia agreement—yesterday. But today, the official, a trade official from this administration, denied that Ambassador Zoellick had told a North Dakota radio station sugar had been taken off the table.

Mixed messages, I would say. But at least today's news from the USTR is sugar is a part of this. It will be a part of it.

That is the concern we have with the Central American Free Trade Agreement. When you put it in that agreement, they will want to put it in Australia's and Brazil's agreement, and there you go, one step at a time toward disaster for our growers, our farmers out there who are trying to make a living. They can make a living by competing. I don't mind asking them to compete and they don't mind competing. But they can't compete against dumped sugar that represents a world price of a nickel or 6 cents a pound, that has no relationship to the cost of production. All that has is a relationship to dumped price. It will destroy our industry.

We are offering a resolution today—my two colleagues from the State of Minnesota, my colleague from North Dakota—a resolution that says to the President: Renegotiate the provision of the Central American Free Trade Agreement relating to access to the sugar market, No. 1. No. 2, do not include sugar as an element of negotiations in any bilateral or regional free trade agreement.

I hope the Senate will pass this sense-of-the-Senate resolution. I hope we can get a vote on it. I hope the Senate will express itself to the trade ambassador and the President: Don't do

this. It is unfair to our growers, unfair to our farmers, unfair to an industry that produces substantial numbers of jobs and economic opportunity.

The sugar beet industry in the Red River Valley of North Dakota has \$1 to \$2 billion of impact in our economy, and once again I say they can compete and they will compete when asked to compete anywhere around the world, but they cannot compete against unfair trade, and dumped sugar is unfair trade, yet that is exactly what we are connecting to in these trade agreements and that is why we want to stop it right now before it goes further.

Australian representatives are in Washington, DC, now. The ambassador for the United States who negotiates trade agreements says he wants to finish this agreement by the end of January. If they finish this agreement with Australia, my hope is the Senate will have expressed itself by that time in a way that says: Do not do this with respect to sugar. Do not take steps that potentially destroy the sugar industry in this country, that potentially destroy the opportunity of beet growers in the Red River Valley to make a living. That is not a step forward; that is a step backward for this country.

I hope the trade ambassador hears this. I don't understand for the life of me why we got a message yesterday saying, I am going to do the right thing, I won't have sugar in the negotiations with Australia, and then today—and this is on ABC, incidentally, Online, you can go to the Internet and see it—today the United States trade official denied that the trade ambassador said that. I don't understand this at all.

My hope is the Senate will do what it has done before on this issue of sugar. The Senate has taken a position on this before. The sugar program of ours works. It provides good prices, advantageous prices for the American consumer, it provides assured quality of supply, and it provides an opportunity, with fair trade, for our growers to make a living in this country in the sugar industry, an industry that is important to our country.

I am going to have this resolution introduced at the conclusion of my remarks. My hope is my colleagues in Congress will support it. I know there are many who are strong supporters of the position that it is fine to negotiate trade agreements but it is not fine to undercut our country's interests with trade agreements.

It is almost impossible for me to begin talking about trade without describing the circumstances in which we find ourselves. We have the largest trade deficit in human history right now, the largest deficit ever after our trade negotiations and agreements have been put in place—the largest deficits ever. We have an agreement with Canada and take a modest trade deficit and turn it into a big one. We have an agreement with Mexico and take a trade surplus and turn it into a

big deficit. The trade deficit with Japan just keeps growing. The deficit with China is out of sight, well over \$100 billion and will probably reach \$130 billion this year; almost a third of a billion dollars a day in trade deficit with just China alone. With Europe? I can't even begin to describe the problems we have with Europe in beef and other areas. The fact is, we need to fix this.

Will Rogers said many years ago, the United States of America has never lost a war and never won a conference. He must surely have been thinking of our trade negotiators. It takes them no more than a week or two to come back with a trade agreement that undercuts especially the interests of American agriculture, but if you look at the trade deficit, I would say undercuts this country's economic interests. It is not in this country's economic interests to continue to see this trade deficit grow and grow and grow.

That trade deficit, incidentally, is connected to the process by which jobs stream out of this country, by companies that decide they want to produce elsewhere and ship into this country, by companies that decide they want to move jobs offshore. "We want to create a new mailbox someplace in the Bermudas or Bahamas or some other tax haven country in order not to have to pay taxes to the U.S., and at the same time close our factories and ship jobs overseas."

That is what this measure is, that is the consequence of this, and that is why this has to change, in my judgment.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming would like to be added as an original cosponsor of the resolution.

Mr. DORGAN. Mr. President, I thank the Senator from Wyoming. He has been an assertive and strong voice on a number of these trade issues, including specifically the sugar issue. I am proud to have him as a cosponsor on this resolution.

#### SENATE RESOLUTION 290—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION AND LEGAL REPRESENTATION IN STATE OF IDAHO V. JOSEPH DANIEL HOOPER

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

##### S. RES. 290

Whereas, in the case of State of Idaho v. Joseph Daniel Hooper, C. No. CRM-03-019550, pending in the District Court of the first Judicial District of the State of Idaho, in and for the County of Kootenai, testimony has been requested from Michelle A. Panos, an employee in the Coeur d'Alene office of Senator Larry E. Craig;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any

subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Michelle A. Panos, or any other current or former employee of Senator Craig's, is authorized to testify and produce documents in the case of State of Idaho v. Joseph Daniel Hooper, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Michelle A. Panos and any other current or former employee of Senator Craig's in connection with the testimony and document production authorized in section one of this resolution.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2235. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2235. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

#### SEC. . . RESTORATION OF CERTAIN PLANS TERMINATING IN 2003.

(a) IN GENERAL.—Notwithstanding any provision of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974, the provisions of subsection (b) shall apply to any defined benefit plan that was—

(1) maintained by a commercial passenger air carrier,

(2) maintained for the benefit of such carrier's employees pursuant to a collective bargaining agreement, and

(3) terminated during the calendar year 2003.

(b) RESTORATION OF PLAN.—The Pension Benefit Guaranty Corporation shall restore any plan described in subsection (a) to the plan's pre-termination status and the control of the plan's assets and liabilities shall be transferred to the employer, unless the collective bargaining agreement provides that the plan should not be restored.

(c) EXCLUSION OF EXPECTED INCREASE IN CURRENT LIABILITY.—In applying section